

**Snell & Wilmer**

L.L.P.

LAW OFFICES

One Arizona Center  
 Phoenix, Arizona 85004-2202  
 (602) 382-6000  
 Fax: (602) 382-6070  
[www.swlaw.com](http://www.swlaw.com)

RECEIVED  
 CENTRAL FAX CENTER

FEB 24 2006

PHOENIX, ARIZONA  
 TUCSON, ARIZONA  
 IRVINE, CALIFORNIA  
 SALT LAKE CITY, UTAH  
 DENVER, COLORADO  
 LAS VEGAS, NEVADA

**FACSIMILE TRANSMISSION**

DATE: February 24, 2006

TIME IN:  
TIME OUT:

Feb 25 19

TO:

Name	Fax Number	Phone Number
Examiner Richard C. Fults - U.S. Patent and Trademark Office	571-273-8300	571-272-3600

FROM: Kirk Dorius

PHONE: 602-382-6544

RE:

MESSAGE:

Attached is an Amendment and Response to Office Action dated August 24, 2005 for Serial No. 09/698,640.

ORIGINAL DOCUMENT: Will not be sent NUMBER OF PAGES (Including Cover): **(12)** *80*

CONFIRMATION NO.: CLIENT MATTER NO.: 36207.0100

PLEASE RETURN TO: S.Bowman/16S02 PERSONAL FAX: No

REQUESTOR: Kirk Dorius DIRECT LINE: 602-382-6544

**IF YOU HAVE NOT PROPERLY RECEIVED THIS TELECOPY, PLEASE CALL US AT (602) 382-6075.  
 OUR FACSIMILE NUMBER IS (602) 382-6070.**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

THE ACTIVATED  
CENTRAL FAX CENTER

FEB 24 2006

PTO/SB/17 (01-08)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
For FY 2006 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

**Complete if Known**

Application Number	09/698,640
Filing Date	October 27, 2000
First Named Inventor	Jeffrey S. Marks
Examiner Name	Richard C. Fuhs
Art Unit	3628
Attorney Docket No.	36207.0100

**METHOD OF PAYMENT (check all that apply)**

Check    Credit Card    Money Order    None    Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 19-2814   Deposit Account Name: Snell & Wilmer LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below    Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17    Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fee Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	
				Fee (\$)	Fee (\$)
- 20 or HP =	x	=	=	50	25
HP = highest number of total claims paid for, if greater than 20.				200	100
360				360	180

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	=	_____	_____
HP = highest number of independent claims paid for, if greater than 3.				_____	_____

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	=

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Request for Cont'd Examination(395) 3-month extension 510.00

**SUBMITTED BY**

Signature	Kirk Dorius	Registration No. (Attorney/Agent) 54,073	Telephone (602) 382-6544
Name (Print/Type)	Kirk Dorius		Date February 24, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application No. 09/698,640

RECEIVED  
CENTRAL FAX CENTER

FEB 24 2006

**CERTIFICATE OF TRANSMISSION PURSUANT TO 37 C.F.R. §1.8**

I hereby certify that this correspondence, along with accompanying documents, pursuant to 37 C.F.R. §1.8, are being sent via facsimile (571) 273-8300, addressed to Mail Stop Amendment; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 on:

Date: 2-24-06By: Kirk Dorsey

Signature of Person Depositing Facsimile

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RESPONSE**

Applicant(s):	Marks	Atty. Docket No.:	36207.0100
Serial No.:	09/698,640	Examiner:	Fults, Richard C.
Filed:	October 27, 2000	Group Art Unit:	3628
Title:	METHODS AND APPARATUS FOR ONLINE AUCTIONS AND MARKET-PLACES UTILIZING PROGRAM TERMS	Confirmation No.:	4914

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Office Action mailed August 24, 2005, the period of response for which is hereby extended three months to and including February 24, 2006, please consider the enclosed Amendment and Remarks, which begin at pages 2 and 7, respectively.

02/27/2006 SDENBOB1 00000018 192814 09698640

01 FC:2253 510.00 DA